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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,623	09/17/2003	Kenneth W. Fletcher	2103.003	9228

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EXAMINER

LEV, BRUCE ALLEN

ART UNIT PAPER NUMBER

3634

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,623

Applicant(s)

FLETCHER, KENNETH W.

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/9/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BRUCE A. LEV
PRIMARY EXAMINER

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should avoid using phrases which can be implied, such as, "*the present invention*", in line 1.

Claim Rejections - 35 USC § 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claims 1-3, 7, and 10, it is unclear as to whether the "reinforcement device" is being claimed, or the *combination* of the "reinforcement device" and the "aperture cover and building". For example, the preamble states a "reinforcement device". However, the body of the claims positively recites the aperture cover and building as being part of the invention, i.e., "with respect to said building" (claim 1, lines 11-12); "securely attached to said aperture header" (claim 3, line 9); "attached to said floor of said building" (claim 7, lines 5-6). If only the reinforcement device is meant to be claimed, "adapted to be" language should be used when comparing it to a structure (i.e., "adapted to be attached to said aperture header").

As concerns claim 10, the phrases "the substantially parallel first and second ends" (in line 13); "said metal hook" (in line 23); "said aperture header" (in line 25); and "said engagement pin" (in line 33) lack antecedent basis and therefore render the claims

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as vague and indefinite. Further, it is unclear as to what structure performs the function of "automatically receive said wire rope loop", in lines 25-26. Furthermore, it is improper to set forth a list of parts without language connecting them, i.e., the metal hook, and the anchor plate appear to be "floating in space".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. ***102(b)*** as being anticipated by ***Wedekind 5,819,834***.

Wedekind sets forth a reinforcement device comprising an upper securing means including an upper anchoring assembly including a wire rope loop assembly including a bracket assembly having two L-shaped elements (viewed as inclusive of members 14 and 21) adjustably attached to one another, and a metal hook 22; a lower securing means including a lower anchoring assembly comprising a spring biased engagement pin 19 having a bracing tongue and groove (viewed as the bent portion), and an anchor plate 20 having a pin aperture.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 10 are rejected under 35 U.S.C. ***103(a)*** as being unpatentable over ***Wedekind in view of Wells 6,776,210***.

Wedekind sets forth the reinforcement device, as advanced above, except for the loop member formed from wire rope. However, ***Wells teaches*** the use of wire rope members 48 used with a reinforcement device assembly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reinforcement device of Wedekind by forming the loop member from wire rope, as taught by Wells, in order to reduce the forces caused by the loop not fitting perfectly upon the hook member.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

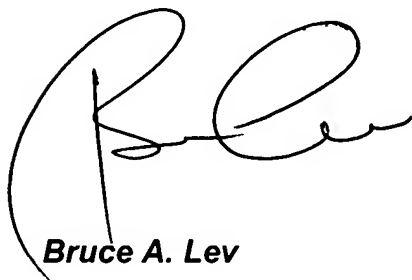
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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December 29, 2004

A handwritten signature in black ink, appearing to read "Bruce A. Lev". The signature is stylized with a large, looping "B" and "L".

Bruce A. Lev

Primary Examiner

Group 3600